



House of Representatives

File No. 316

General Assembly

January Session, 2003

(Reprint of File No. 21)

Substitute House Bill No. 5355
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 10, 2003

AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsections (a) to (d), inclusive, of section 51-44a of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (a) There is established a Judicial Selection Commission comprised
5 of twelve members. [Two persons shall be appointed from each
6 congressional district, one of whom shall be an attorney-at-law and
7 one of whom shall not be an attorney-at-law.] Six of the members shall
8 be attorneys-at-law and six of the members shall not be attorneys-at-
9 law. Not more than six of the members shall belong to the same
10 political party. None of the members shall be an elected or appointed
11 official of the state or hold state-wide office in a political party.

12 (b) The members of the commission shall be appointed as follows:
13 (1) The Governor shall appoint six members, one from each
14 congressional district and one at-large member, who shall be
15 attorneys-at-law; and (2) the president pro tempore of the Senate, [and]

16 the speaker of the House of Representatives, [shall each appoint one
17 member who shall not be an attorney-at-law;] the majority leader of
18 the Senate, [and] the majority leader of the House of Representatives,
19 [shall each appoint one member who shall not be an attorney-at-law;
20 and] the minority leader of the Senate and the minority leader of the
21 House of Representatives shall each appoint one member, who shall
22 not be an attorney-at-law.

23 (c) The members of the commission shall elect a [chairman]
24 chairperson from among the members appointed by the Governor.

25 [(d) (1) The members first appointed by the Governor prior to June
26 22, 1989, shall complete their terms of office. Of the members
27 appointed by the Governor for terms commencing November 20, 1992,
28 two members shall serve for a term of one year, two members shall
29 serve for a term of two years and two members shall serve for a term
30 of three years. Thereafter, the members of the commission so
31 appointed shall serve for terms of three years. At the expiration of the
32 terms of the members appointed for terms commencing November 20,
33 1992, such members shall be eligible for appointment to a consecutive
34 term.

35 (2) The terms of office of the members first appointed by the
36 legislative leaders prior to June 22, 1989, shall expire on September 30,
37 1989. Such members shall be eligible for appointment to a term
38 commencing October 1, 1989. Of the members whose terms commence
39 October 1, 1989, the president pro tempore of the Senate and the
40 speaker of the House of Representatives shall each appoint one
41 member for a term of three years; the majority leader of the Senate and
42 the majority leader of the House of Representatives shall each appoint
43 one member for a term of one year; and the minority leader of the
44 Senate and the minority leader of the House of Representatives shall
45 each appoint one member for a term of two years. Thereafter, the
46 members so appointed shall serve for terms of three years.]

47 [(3)] (d) (1) The members of the commission shall serve for terms of

48 three years.

49 (2) Members appointed on or after the effective date of this section
50 shall serve for terms of three years and, notwithstanding the
51 provisions of section 4-1, until their successors are appointed and have
52 qualified or ninety days after the completion of their terms, whichever
53 is earlier.

54 (3) Members serving on the effective date of this section shall
55 continue to serve as members until the end of their terms and,
56 notwithstanding the provisions of section 4-1, until their successors are
57 appointed and have qualified or ninety days after the completion of
58 their terms, whichever is earlier, except that members serving on the
59 effective date of this section who have completed their terms and are
60 serving until their successors are appointed and have qualified shall,
61 notwithstanding the provisions of section 4-1, continue to serve until
62 their successors are appointed and have qualified, but not later than
63 January 1, 2004.

64 (4) Any vacancy in the membership of the commission shall be
65 filled for the unexpired portion of the term by the appointing
66 authority. The members of the commission shall receive no
67 compensation for their services but shall be reimbursed for any
68 necessary expenses incurred in the performance of their duties. [Except
69 as provided in subdivisions (1) and (2) of this subsection, no member]

70 (5) No member of the commission may serve consecutive terms,
71 [and if a] except that if, on or after the effective date of this section, a
72 person is appointed a member of the commission to fill a vacancy and
73 complete an unexpired term, such person may serve an additional
74 term. If a commission member is an attorney, no member of [his] the
75 commission member's firm may serve a term consecutive to such
76 commission member.

This act shall take effect as follows:
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Section 1	<i>from passage</i>
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The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill's changes to the composition of the Judicial Selection Commission have no fiscal impact because members of the commission are not compensated.

House Amendment "A" made minor changes that have no fiscal impact.

OLR Bill Analysis

sHB-5355 (As Amended by House "A")

***AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL
SELECTION COMMISSION.*****SUMMARY:**

This bill requires only one rather than two members of the Judicial Selection Commission (JSC) to be appointed from each congressional district and makes the remaining members of the 12-member body at-large appointments. Since the state lost a congressional district, the commission will consist of one member from each of the five congressional districts and seven at large members, rather than two members from each congressional district who served previously.

Current law requires the governor to appoint one member from each congressional district and the legislative leaders to appoint the remaining members from the congressional districts. The bill makes one of the governor's appointments and all of the legislative leaders' appointments at-large appointments.

As under current law, members serve for three years. The bill requires members appointed on or after the bill's effective date to serve until the earlier of (1) their successors' appointment and qualification or (2) 90 days after their terms end. The bill also applies this provision to members serving when the bill becomes effective. And members serving on the bill's effective date who completed their terms and are serving until their successors are appointed and qualified must continue to serve until the successors are appointed and qualified, but no later than January, 1, 2004.

Under current law, no member can serve consecutive terms. The bill allows a member appointed on or after the bill's effective date to serve an additional term if he was appointed to fill a vacancy and complete an unexpired term.

The bill also repeals an obsolete provision.

*House Amendment "A" (1) requires only the governor to appoint a member from each congressional district and makes all the legislative leaders' appointments at-large appointments; (2) deletes a provision reducing, from two years to one, the amount of time that a commission member who is an attorney must wait after leaving the commission to be considered for nomination as a judge; (3) limits the provision on service while awaiting a successor's approval and qualification for members serving on the bill's effective date to 90 days of service and adds the provisions for members appointed on or after the effective date and those who completed their terms on the bill's effective date; and (4) makes the bill effective upon passage rather than October 1, 2003.

EFFECTIVE DATE: Upon passage.

BACKGROUND

Judicial Selection Commission

The JSC seeks, evaluates, and furnishes the governor with a list of qualified candidates for nomination as new judges. It also must evaluate and make recommendations to him about re-nominating sitting judges to the same or different state courts for successive terms.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0